

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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TERENCE WELLS,

Petitioner,

-against-

07 Civ. 6982 (CM)(AJP)

THOMAS RICKS, Superintendent,  
Upstate Correctional Facility

Respondent.  
\_\_\_\_\_

DECISION AND ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE AND DISMISSING THE  
PETITION FOR A WRIT OF HABEAS CORPUS

McMahon, J.:

The Court has received and reviewed the Report and Recommendation of United States Magistrate Judge Andrew J. Peck, in which the Magistrate Judge recommends that the Court dismiss the petition for a writ of habeas corpus filed by petitioner. The Court has also received and reviewed petitioner's objections to the Report and respondents memorandum of law in opposition to petitioner's objections.

After considerable deliberation, the Court adopts the Report and Recommendation of Magistrate Judge Peck as the opinion of the Court.

The petition is dismissed.

As Petitioner has made no substantial showing of the denial of a constitutional right, there is no question of substance for appellate review. Therefore, no certificate of appealability shall issue. 28 U.S.C. § 2253; see *United States v. Perez*, 129 F. 3d 255, 259-60 (2d Cir. 1997); *Lozada v. United States*, 107 F. 3d 1011 (2d Cir. 1997); *Rodriguez v. Scully*, 905 F. 2d 24 (2d Cir. 1990). I certify, pursuant to 28 U.S.C. § 1915(a), that an appeal from this order would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438 (1962).

Dated: July 31, 2008

  
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U.S.D.J.

BY ECF TO ALL COUNSEL

Copies mailed/faxed/handed to counsel on 8/1/08